

REMARKS

Responsive to the Office Action mailed June 30, 2008, the Examiner's comments have been fully considered. The claims have been amended to eliminate dependent claims and place the claims in a better condition for examination and for recognition of their unique inventive features recognized in the ISR. It is proposed that these amendments put the entire claim-set in a suitable position for full examination upon overcoming the restriction.

Claim Statement: Claims 3-12, 13, 16 19-50, 54-58, 61-68, 69-71, 73-110, 112, 113, 115, 118-120 are amended. Claim 121 and 122 (old part of claim 68) is new. The remaining claims are original.

Concerning the election requirement, Applicant provisionally elects, with specific traverse identified below, Group I (claims 1-58)/Species A for further prosecution. .

It is noted that Claim 17 is generic in the action regarding Species A and B.

The basis raised by the Office for the restriction (noted at elements 1-5 of the action) is that there are different 'special technical' features *vis-à-vis* 'lifting jack' or 'walking beam' generally, that the car frame/superstructures in Group II lack the same or corresponding 'special technical features' re. Group I, and further the species divisions are required based upon the 'figures' into Species A/B, and further thereafter into claims 20-25 and 26-37 respectively – again for lacking the same or corresponding technical feature.

It is respectfully proposed that there are two *prima facie* errors in applying the applicable standards and that the restriction/election is therefore insufficient to establish

requirement employing the ‘special technical’ feature and the species restrictions linked to the claims.

The method/apparatus of Group 1 and the car frame/super structure in Group II are rationally linked and contain substantially the same or corresponding technical features. The methods/apparatus of Group I employ the specific constructions and structures in the Group II cars and vice versa but are not limited thereto. The division between species is also respectfully in error because the distinction between ‘lifting jack’ and ‘walking’ beam features are insufficient in terms of ‘special technical feature’ under the applicable standard to rise to the level triggering the burdens outlined in by PCT Rule 13.2, and related MPEP citations to render the proposed analysis. Applicant has already paid the additionally burdensome excess claim fees for these matters. While there are different labels *per se*, as discussed in the specification they are easily searched within the narrow classification ranges covering these types of lifting devices and such products readily available in the USPTO classification system. No specific assertion of widely disparate classification searching burden has been suggested in the record and none can be supported after analysis regarding the lack of corresponding technical features. Should the restriction be maintained, a request is made herein for a full action – e.g., a full restriction action reasoning – on the merits noting such burdens and any suggested classification breakdowns.

In the agreements between the various RO’s (USRO and EPORO) and the PCT organizations collectively pursued an intention of equivalence between the restriction burdens. The EPO’s ISR was readily searched collectively (all claims) and acts as a supportive search guide for the USPTO to further mitigate any burden due to lacking a

‘special technical feature’. For these reasons (outlined further below) the restriction regarding Group I/II is respectfully traversed, reconsideration is requested, and an action involving all the current claims, and all ‘species’ is respectfully requested. It is proposed that all the claims contain inventive features and therefore are allowable as they now stand.

In considering the claim groupings for species and claims within the overall inventive scope of the present application it is suggested that a number of embodiments can be recognized each within the same inventive and same searchable concepts, particularly in view of the acknowledgements that claim 17 is generic, and that the species election requirement should be withdrawn.

The following embodiments are proposed with claims that read-on as shown:

EMBODIMENT	FIGURES	CLAIMS
A	14-16	1-25; 44-49
B	17-19	1-19; 21-24; 26-49
C	26-30	1-19; 48; 49; 50-58

**Of course the other related claims are similarly grouped, but this listing is shown limited to the Group 1 claims for illustrative purposes

As can be seen from this considered perspective, all three embodiments are covered by at least independent claims 1 and 17. All three embodiments have at least the characterizing features of claims 1 and 17 in common. These common features solve the problem of the invention and bring about the advantages which are listed in detail in the description and the dependent claims. Thus, unity of invention is readily supported under the standards agreed upon between the offices/RO’s/treaty members, and is given

according to R. 13 PCT. Moreover, it is respectfully proposed that no objection concerning lack of unity, special technical feature, or other reason was made in the ISR, and while not dispositive readily supports the above reasons during a good faith analysis. For all the reasons noted above it is respectfully proposed that at least one error has been identified, that the traversal is full and complete in response, and Applicant requests a complete action on the merits as supported by applicable standards. Notice to that effect is earnestly solicited.

Regarding the proposed embodiment, reasons for classification:

Embodiment B:

The features of claims 21-24 (in embodiment A) are general features and can therefore also be applied to embodiment B. This is supported from the fact that the wording “lifting device” is the generic term, whereby a “walking beam” is a specific form of the “lifting device”, which can be derived from claim 26 and Figures 17-13, in which both reference signs (101 for the lifting device as well as 111 for the walking beam) are drawn in. Furthermore both reference signs (101 and 111) are also used in claims 22 and 23. The same analysis applies to claims 44-47.

Embodiment C:

The features of claims 48 and 49 are general features and can therefore also be applied to embodiment C (from embodiments A, B). That the feature of claim 48 can also be applied to embodiment C is supported by the description in the paragraph beginning with “All the drive units...”. Furthermore, original claim 50 was referred back to one of the preceding claims (in embodiments A and B), thus also to claims 48 and 49.

As a result, this embodiment and the above classification recognitions is respectfully requested.

It is respectfully proposed that this submission is fully responsive to the items outlined in the present action regarding the restriction, species, drawing correlation etc. Should any questions remain Applicant would request the opportunity to redress the same before action on the merits.

While no fees are believed due, other than those provided herewith, Applicant hereby authorizes any extension of time fee, and any other fee necessary for the consideration of this Amendment or to prevent abandonment of this application, to be charged to Deposit Account No. 10-0100 (SOLFZ.P11).

Date: September 2, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'AY' followed by a large, stylized flourish or 'O'.

Andrew Young, Esq.
Registration No. 44,001
Attorney for Applicant(s)